

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

J&J SPORTS PRODUCTIONS, INC.,)	CASE NO. 17CV871
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
CHRISTOPHER FITZGERALD, et al.,)	MEMORANDUM OPINION/ORDER
)	
Defendants.)	

This matter is before the Court upon a Motion for Summary Judgment filed by Plaintiff, J&J Sports Productions, Inc. ("J&J Sports"), on May 18, 2018. (ECF #29). The Defendants, Christopher Fitzgerald and Fitzdunn LLC, (jointly "the Fitzgeralds") have not opposed the Motion for Summary Judgment.

J&J Sports is a production company that was granted the exclusive nationwide commercial distribution rights to the Champion Prize Fight (the "Fight"), between Floyd Mayweather, Jr. and Marcos Rene Maidana, which was telecast on May 3, 2014. (ECF #29, pp. 1-2). J&JSports alleges that the Fitzgeralds unlawfully and without authorization broadcast this Fight at their commercial establishment known as "Helen's Game Time," located in Cleveland Heights, Ohio. (*Id.*). J&J Sports brought this action against the Fitzgeralds for violations of 47 U.S.C. § 605, *et seq.* and 47 U.S.C. § 553, *et seq.*, and requests \$10,000.00 in statutory damages and \$40,000.00 in enhanced damages, for a total of \$50,000.00.

To establish liability under 47 U.S.C. Section 553 or 605, J&J Sports must establish that the Fitzgeralds unlawfully exhibited, published or divulged a privileged communication and the signal transmitting the communication was delivered to the intercepting party by way of a

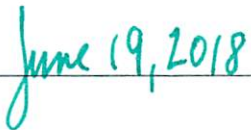
satellite or cable transmission. *See* 47 U.S.C. § 605(e)(3)(C)(iii); 47 U.S.C. § 533(c)(3)(C). By way of Affidavits, J&J Sports has shown that it possessed the exclusive rights to the Fight, and that the Fight was intentionally broadcast at Helen's Game Time on May 3, 2014 to an audience of up to 315 people.¹ As there is no evidence to contradict the information contained in the Affidavits, J&J Sports is entitled to recover damages from the Fitzgeralds for the willful piracy of the Fight in violation of 47 U.S.C. §605 *et seq.*

Therefore, this Court awards to J&J Sports statutory damages in the amount of \$10,000.00, and enhanced damages in the amount of \$40,000.00, plus all attorney's fees and costs.

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Court

Date: _____



¹ See Affidavits of Joseph Gagliardi (ECF #29-1) and Yvonne Lewis-Wilson (ECF #29-3).